HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting)

(Chapter VIII Rule 32 (2)(b)

Description of the case.

W.P. No. 419 2004 (M/S)

Ankit Prakash Agarwal
Versus.

Indian Institute of Management & others

Approved for reporting.

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~~Not approved for reporting~~

Date of decision 13.8.2004.

Initial of Judge

HIGH COURT OF UTTARANCHAL, AT NAINITAL.

Writ Petition No. 419 of 2004 (MS)

Ankit Prakash Agarwal ....Petitioner.

Versus

Indian Institute of Management & others ..... Respondents.

Sri Ranjit Saxena, Advocate for the petitioner
Sri Ramji Srivastava for the respondents.

Date: 13.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents to admit the petitioner in the Master of Business Administration Course of the year 2004-06 at the Institute of Management, Nirma University, Ahmadabad.

Briefly stated the facts giving rise to the present writ petition are that the petitioner appeared in the entrance examination of management of Business Administration Programme in the year 2004 to 2006 batch at Nirma Institute of Management, Ahmadabad. The entrance examination was held at Doon International School, Pari Mahal 32 urzon Road, Dehradun. Nirma University, Institute of Management informed the petitioner that the petitioner has been short listed

on the basis of CAT score for group discussion and personal interview for the admission to the master of Business Administration Course for the year 2004-06. The petitioner was informed buy E-mail on 25.4.2004 that the petitioner has been declared selected for the Master of Business Administration Course 2004-2006 batch. The petitioner further received E-mail that he was declared failed in the examination for the entrance test. The petitioner has therefore, submitted that the cancellation of his result is illegal.

The counsel for the respondent has submitted that only 175 candidates were selected. Paragraphs 17 and 18 of the counter affidavit are quoted below:

17. That the deponent humble submit that it was on the basis of the combined scores (i.e. scores in group discussion, personal interview, CAT scores and work experience) that the selection for admission was made. The Admission committee of the respondent institute selected, on the aforesaid basis, top 175 candidates for admission to the said MBA programme 2004-2006. accordingly, a list of the top 175 candidates (who were the top scorer from amongst the 528 candidates who papered for group discussion and personal interview) was drawn/prepared.

18. That it is pertinent to mention at this stage that the petitioner was not one of the 175 top scorers and his name was not amongst such 175 top scorers candidates and accordingly his name was not in the said list of 175 candidates and was not selected for admission and or was not offered the admission as it was done in case of 175 candidates.

The respondents' counsel has submitted that the respondent institute on 24.4.2004 prior to sending the material to the vendor for uploading the same on the website, sent E-mail individually to all the selected candidates about their selection for admission in the MBA programme 2004-2006. In addition to the E-mail, official letters signed by the Deputy Registrar informing their selection for admission and giving relevant details were also sent to all 175 candidates individually on April 26, 2004. The vendor informed the respondent institute that there was failure in delinking the previous database of 820 candidates who has been called for group discussion and personal interview and consequently, the database on the website was giving erroneous information to the candidates visiting the website seeking information and all those candidates from amongst the above referred 820 candidates (although actually only 528 candidates were selected for offering admission) who downloaded the information received erroneous information. The respondent instituted immediately instructed the vendor to rectify the error and as per the information given to the respondent institute, the vendor had done the rectification immediately on the same day.

Thus the controversy occurred due to the technical problem in the web site for which the respondent institute has no fault. Similar controversy has cropped up before the Gujrat High Court in Special Civil Application No. 7202 of 2004, Rajinder Singh Rajput vs. Nirma Institute decided on 2.8.2004. The petitioner in that writ petition was also informed through website of the respondent university that he is selected for M.B.A. programme for 2004-06. Gujrat High Court has dismissed the writ petition.

In view of the aforesaid fact, the writ petition is dismissed. No order as to costs.

(Rajesh Tandon J.)

13.8.2004

*Dhyani